

AMENDED IN ASSEMBLY MARCH 24, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1100

Introduced by Assembly Member ~~Bloom~~ Members Low and Bloom

February 27, 2015

An act to amend Section ~~422 of the Penal Code, relating to criminal threats.~~ 9001 of the Elections Code, relating to ballot initiatives.

LEGISLATIVE COUNSEL'S DIGEST

AB 1100, as amended, ~~Bloom Low. Crimes: criminal threats.~~ Ballot initiatives: filing fees.

Existing law requires a fee of \$200 to be paid by the proponents when a proposed ballot initiative or referendum is submitted to the Attorney General for preparation of a circulating title and summary.

This bill would increase the filing fee from \$200 to \$8,000. The bill would also make nonsubstantive changes to this provision.

Existing law provides that a person is guilty of a crime if he or she willfully threatens to commit a crime that will result in death or great bodily injury to another person with the specific intent that the statement, made verbally, in writing, or by means of an electronic communication device, is to be taken as a threat, as specified.

This bill would clarify that this provision also applies when the threatening statement is published on an Internet Web page.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 9001 of the Elections Code is amended*
2 *to read:*

3 9001. (a) ~~Prior to~~ *Before* the circulation of ~~any~~ *an* initiative
4 or referendum petition for signatures, the text of the proposed
5 measure shall be submitted to the Attorney General with a written
6 request that a circulating title and summary of the chief purpose
7 and points of the proposed measure be prepared. The electors
8 presenting the request shall be known as the “proponents.” The
9 Attorney General shall preserve the written request until after the
10 next general election.

11 (b) Each and every proponent of ~~any~~ *a* proposed initiative
12 measure shall, at the time of submitting the text of the proposed
13 measure, provide both of the following:

14 (1) An original signed certification stating that “I, (insert name),
15 declare under penalty of perjury that I am a citizen of the United
16 States, 18 years of age or older, and a resident of (insert county),
17 California.”

18 (2) Public contact information.

19 (c) The proponents of ~~any~~ *an* initiative measure, at the time of
20 submitting the text of the proposed measure to the Attorney
21 General, shall pay a fee ~~of two hundred dollars (\$200), which to~~
22 ~~the Attorney General of eight thousand dollars (\$8,000) that~~ shall
23 be placed in a trust fund in the office of the Treasurer and refunded
24 to the proponents if the measure qualifies for the ballot within two
25 years from the date the summary is furnished to the proponents.
26 If the measure does not qualify within that period, the fee shall be
27 immediately paid into the General Fund of the state.

28 (d) All referenda and proposed initiative measures must be
29 submitted to the Attorney General’s Initiative Coordinator located
30 in the Sacramento Attorney General’s Office via U.S. Postal
31 Service, alternative mail service, or personal delivery. Only printed
32 documents will be accepted, facsimile or e-mail delivery will not
33 be accepted.

34 (e) The Attorney General’s office shall not deem a request for
35 a circulating title and summary submitted until all of the
36 requirements of this section are met.

37 ~~SECTION 1. Section 422 of the Penal Code is amended to~~
38 ~~read:~~

1 422. (a) ~~Any person who willfully threatens to commit a crime~~
2 ~~which will result in death or great bodily injury to another person,~~
3 ~~with the specific intent that the statement, made verbally, in~~
4 ~~writing, or by means of an electronic communication device,~~
5 ~~including publication on an Internet Web page, is to be taken as a~~
6 ~~threat, even if there is no intent of actually carrying it out, which,~~
7 ~~on its face and under the circumstances in which it is made, is so~~
8 ~~unequivocal, unconditional, immediate, and specific as to convey~~
9 ~~to the person threatened, a gravity of purpose and an immediate~~
10 ~~prospect of execution of the threat, and thereby causes that person~~
11 ~~reasonably to be in sustained fear for his or her own safety or for~~
12 ~~his or her immediate family's safety, shall be punished by~~
13 ~~imprisonment in the county jail not to exceed one year, or by~~
14 ~~imprisonment in the state prison.~~

15 (b) ~~For purposes of this section, "immediate family" means any~~
16 ~~spouse, whether by marriage or not, parent, child, any person~~
17 ~~related by consanguinity or affinity within the second degree, or~~
18 ~~any other person who regularly resides in the household, or who,~~
19 ~~within the prior six months, regularly resided in the household.~~

20 (c) ~~"Electronic communication device" includes, but is not~~
21 ~~limited to, telephones, cellular telephones, computers, video~~
22 ~~recorders, fax machines, or pagers. "Electronic communication"~~
23 ~~has the same meaning as the term defined in Subsection 12 of~~
24 ~~Section 2510 of Title 18 of the United States Code.~~